

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NOSTRUM LABORATORIES, INC.,

Plaintiff,

23-cv-4639 (PKC)

-against-

ORDER

EVERSANA LIFE SCIENCES SERVICES,
LLC,

Defendant.

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CASTEL, U.S.D.J.

The limited subject matter jurisdiction of a district court is best addressed at the outset of a case. It falls upon the Court to raise issues of subject matter jurisdiction sua sponte.

This action was originally filed in the Supreme Court of New York, New York County, and removed to federal court by the defendant on the basis of diversity jurisdiction. (ECF 6.) The Verified Complaint—initially filed in state court and attached to the Notice of Removal—alleges that the plaintiff is a New Jersey corporation with its principal places of business in New Jersey and Missouri, and that the defendant is a Wisconsin limited liability company. (Id., Ex. A ¶¶ 4, 6.)


An action premised upon diversity of citizenship in which a limited liability company is a party must allege the citizenship of natural persons who are members of the limited liability company and the place of incorporation and principal place of business of any corporate entities that are members of the limited liability company. See Handelsman v. Bedford Village Associates Ltd. Partnership, 213 F.3d 48, 51-52 (2d Cir. 2000) (citing Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998)); Strother v. Harte, 171 F. Supp. 2d 203, 205 (S.D.N.Y. 2001)

(“For purposes of diversity jurisdiction, a limited liability company has the citizenship of each of its members.”); Rule 8(a), Fed. R. Civ. P.

The Notice of Removal states that defendant’s “sole member is LSCS Holdings, Inc., with its principal place of business in Wilmington, Delaware.” (ECF 6 ¶ 14.) However, the Notice of Removal does not identify the place of incorporation of LSCS Holdings, Inc.

Within 14 days of this Order, defendant shall amend its removal petition to identify the place of incorporation of LSCS Holdings, Inc. If, by this date, defendant either fails to amend or is unable to amend to truthfully allege complete diversity of citizenship, then the action will be remanded to state court for lack of subject matter jurisdiction without further notice to any party.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
June 6, 2023